

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

THE NORTH FACE APPAREL )  
CORP., )  
 )  
Plaintiff, )  
 )  
v. ) Case No. 4:09-cv-02029-RWS  
 )  
WILLIAMS PHARMACY, INC. )  
JAMES A. WINKELMANN, JR., and )  
THE SOUTH BUTT LLC, )  
 )  
Defendants.

**JOINT PROPOSED SCHEDULING PLAN FOR THE HEARING  
ON PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION**

Pursuant to Fed.R.Civ.P. 26(f) and this Court's Orders Setting Rule 16 Conference, attorneys for all parties conferred as to scheduling and discovery plans for the hearing on Plaintiff's Motion for Preliminary Injunction and agreed to as follows:

**1. Discovery Plan for Preliminary Injunction Hearing:**

- (a) Rule 26(a)(1) Disclosures by **February 3, 2009**.
- (b) Written Discovery (Interrogatories, Requests for Production of Documents, and Requests for Admissions):
  - (i) Served by **February 10, 2010**.
  - (ii) Objections and Responses Served by **February 24, 2010**.
  - (iii) Motions to Compel (if needed) Filed by **March 3, 2010**.

- (c) Expert witnesses:
  - (i) The party with the burden of proof on an issue in the case shall disclose the expert witness, if any, on that issue and serve any expert witness reports by **March 10, 2010**.
  - (ii) The parties shall disclose any rebuttal expert witnesses and serve any rebuttal reports by **March 19, 2010**.
  - (iii) The parties shall make all identified expert witnesses available for deposition by **March 26, 2010**.
- (d) The parties agree that, absent consent or leave of court, each side shall be limited to five (5) non-expert depositions and each party shall be limited to seven (7) interrogatories.
- (e) All discovery shall be completed by **March 31, 2010**.

**2. Hearing on Motion for Preliminary Injunction**

- (a) Plaintiff's pre-hearing supplemental memoranda, if any, filed by **April 5, 2010**.
- (b) Defendants' pre-hearing supplemental memoranda, if any, filed by **April 9, 2010**.
- (c) Matter will be ready for hearing by **April 12, 2010**.
- (d) Length of hearing: **2 to 3 days**.

Respectfully Submitted,

s/ Thomas M. Blumenthal by M.A. Kahn

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